

## Office of Professional Accountability (OPA) Commendations & Complaints Report May 2006

### Commendations:

Commendations Received in May: 33

Commendations Received to Date: 193

<b>Arulaid, Stephan</b>	Officer Arulaid received a letter commending him for his mentoring a student this year for a Senior Project on law enforcement. He took much care and consideration in fulfilling his role as a mentor.
<b>Bach, Scotty Holand, Tye Hossfeld, Dennis Jakobsen, Todd Mooney, John Mount, Mark Waltier, Scott</b>	A letter of commendation was received by one Lieutenant, one Sergeant, two Detectives, and three officers for conducting a successful undercover operation that resulted in the recovery of stolen property. In conjunction with another law enforcement agency, they were able to arrest a suspect, serve warrants on two residences, and recover about \$50,000 in property.
<b>Brooks, John Hammermaster, Bradley</b>	A stolen pickup equipped with a silent alarm was tracked and recovered within a short amount of time. Suspect information has been developed which may lead to an arrest. Officers were commended for their prompt response.
<b>Burrows, Brenda Hancock, Andrew Navarrete, Mario</b>	A sergeant and two detectives were praised on their commendable job of responding as Critical Incident Stress Management Team members in support of SPD personnel involved in the multiple homicide on Capital Hill. Each one put aside their plans for the day, responded immediately, and spent much of the day providing support to their co-workers. They took on more responsibilities than would normally be expected in such a situation and willingly accepted whatever duties were assigned to them.
<b>DeLuca, David</b>	Officer DeLuca was congratulated for his thorough job in preserving evidence which resulted in a latent print match. The information pertaining to this match was forwarded to the follow-up unit to help augment their investigation.
<b>Diaz, Avery</b>	Officer Diaz was commended for his energy, alertness, and professionalism in locating a missing person. He recognized the urgency and responded promptly to the area that the missing person was last seen.
<b>Ellis, Randy</b>	A note of thanks was received by Officer Ellis for providing assistance in responding to a home where a family member had suddenly passed away. He was kind, thoughtful, compassionate, and professional.
<b>Guzley, Nicholas</b>	Officer Guzley was commended for his quick and professional response to a disturbance at the Seattle Center. In doing so, he saved the life of a victim.
<b>Hayes, John</b>	A commendation was received by Lt. Hayes for his positive impression made while assigned to the march held in honor of the victims of the recent Capital Hill shootings. He performed his job with grace, compassion, dignity, and humor. He kept the crowd well informed and provided updates.
<b>Magan, John</b>	Sgt. Magan received a commendation for his training sessions with the Safety Ambassadors of the Metropolitan Improvement District on verbal de-escalation and dealing with difficult people. His use of humor, videos, and stories from the street were extremely valuable in conveying the material.
<b>Napper, Kenneth O'Neill, Kevin Unger, Mary</b>	A note of thanks was received by three officers for their educational presentation on pedestrian safety.
<b>Nichols, Matthew</b>	A thank you letter was received by the officer for his involvement with the Seattle Fishing Kids event. The presentation on boating and water safety was very well

	received and appreciated.
<b>O'Neill, Kevin</b>	Officer O'Neill received a letter of appreciation and commendation from a school for helping to reduce the school's concerns over traffic safety. He monitored areas of concern regarding traffic patterns outside the school and held numerous meetings with district staff and transportation. His interaction with the school community and resourcefulness in resolving school traffic safety issues represents the dedication and pride we all share for public service.
<b>Overbey, Stephen</b>	A commendation and a thank you was received by Dispatcher Overbey for his courteous and professional assistance in helping locate an officer that had recently left another law enforcement agency and is currently training with our department. The former officer needed to be contacted for an investigation which he initiated. The suspect was identified from the latent fingerprints he recovered from the scene. With the dispatcher's assistance, they were able to charge the suspect before the 48 hours expired.
<b>Probst, Cameron</b>	Officer was commended for his consistent pro-active and professional work.
<b>Stimmel, Paul Wubben, Mark</b>	A letter of thanks was received by the two officers for their participation in the COPS picnic. It made the day extra special for the families of COPS.
<b>Strozier, Rodney</b>	Officer Strozier received a thank you letter for his efforts in helping a citizen regarding his housing and unemployment.
<b>Tait, Susan</b>	A thank-you letter was received by the dispatcher for arranging and conducting a tour of the West Precinct and the Dispatch Center. From beginning to end she set up and ran a great program for the Cub Scout Pack.
<b>Templeton, Dan</b>	A letter of appreciation was received by the officer for his assistance to out-of-state visitors. He was extremely helpful and courteous. He made the resolution of a challenging problem far easier than it would have been without his help.
<b>Thompson, Jason</b>	Officer Thompson received a letter from another law enforcement agency expressing appreciation for his assistance in conducting a traffic stop on a person under surveillance who was the subject of a narcotics investigation. He was very professional and conducted the stop in a manner so as not to alert the driver of anything out of the ordinary.
<b>Williamson, Craig</b>	A letter of thanks and appreciation was received by Officer Williamson and K9 partner Freddie for assisting another agency in locating evidence in a crime scene. Officer Williamson conducted himself in a highly professional manner, which reflected highly on the professionalism of the Seattle Police Department.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## May 2006 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

Cases are reported by allegation type. One case may be reported under more than one category.

### CONDUCT UNBECOMING AN EMPLOYEE

<p>The named employee, prior to graduating from the police academy, posted pictures that depicted himself in identifiable articles of police clothing, holding identifiable police weapons, while making comments in captions that were challenging, antagonistic, and glorified violence.</p>	<p>The employee admitted posting the pictures and captions. He stated that they were meant as jokes, and meant only for his friends. However, the posting was on a public website accessible to many. The photos and captions do not reflect well on the Department or its employees, and call into question the employee's judgment and decision-making ability. Finding—SUSTAINED.</p> <p>Policy Recommendation: OPA recommended that SPD create a policy addressing use of SPD uniform and/or equipment on websites.</p>
<p>The complainant alleged that the named employee failed to respond to his request to help stop a disturbance that later led to him being assaulted. Further, it was alleged that the officer failed to get the complainant medical attention, laughed at the complainant and did not appropriately document the incident.</p>	<p>The evidence did not support the complainant's allegations. The officer was on-site at the time of the incident and observed the event. The complainant was clearly the aggressor in the assault, the victim did not elect to press charges and the incident was documented in an incident report. Medical attention was summoned and the complainant had been transported to a medical facility for treatment. Finding—EXERCISE OF DISCRETION—EXONERATED. Finding—COURTESY—UNFOUNDED.</p>
<p>The complainant alleged that he had been inappropriately stopped for a traffic violation and that he was subsequently issued a citation in retaliation for threatening to file a misconduct complaint. Further, the complainant believed that the named employee had lied to him.</p>	<p>The preponderance of the evidence could not prove or disprove the allegations. There were significant differences in the fact set provided by the complainant and the employee. There were no independent witnesses to corroborate either version of the events. Finding—NOT SUSTAINED.</p>
<p>The complainant alleged that the named employee was involved in a road rage incident, driving his car recklessly and mouthing profanities and making obscene gestures. The complainant alleged the employee flashed his badge and displayed a weapon.</p>	<p>The named employee was off-duty in his personal vehicle when the incident occurred. The evidence supported that the complainant was concerned for his safety and called 911. A state trooper stopped both drivers. Although the evidence about display of weapon was unclear, the 911 tape and trooper's statement support the complainant's version of the incident. Finding—SUSTAINED.</p>

**IMPROPER SEARCH**

<p>The complaint alleged that, subsequent to arrest, employees conducted an inappropriate, illegal and warrantless body cavity search. Further, the complainant alleged that he was threatened with a Taser and that inappropriate comments based on his ethnicity were made prior to the search.</p>	<p>Multiple employees were named in this complaint. Evidence determined that no inappropriate comments were made by one of the named employees. Finding-UNFOUNDED. As for the other named employee, the preponderance of the evidence could not prove or disprove the allegation. Finding—NOT SUSTAINED.</p> <p>The remaining issues concerning the Taser and the search resulted in a determination that while there may have been a violation of policy, it was not a willful violation, and the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training. Finding—SUPERVISORY INTERVENTION.</p>
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**USE OF FORCE**

<p>It was alleged that the named employees used unnecessary force during the subject's arrest.</p>	<p>The named officers were responding to calls about a noise complaint. The officers contacted the homeowner who was intoxicated and verbally combative. When officers returned following another report of noise, the subject threw beer in an officer's face and resisted being handcuffed. The officers took him to the ground where they were able to handcuff him at that point. No strikes or kicks were used. However, the evidence was not dispositive on the question of excessive force because the officers did not complete a use of force report. The finding as to use of force for the named employees—EXONERATED.</p> <p>Finding for sergeant who approved paperwork without directing a use of force statement. Finding-SUPERVISORY INTERVENTION.</p>
<p>It was alleged that the named employee grabbed the complainant in a manner that aggravated an old injury.</p>	<p>The investigation determined that the employee had responded to a disturbance call and was removing the complainant from the scene. Witnesses saw no indication of any injury or abuse and no evidence could be developed that would indicate that the physical contact by the employee caused any type of injury. The complainant has declined attempts to contact him and has refused to assist in the investigation in any way. Finding—ADMINISTRATIVELY EXONERATED.</p>
<p>The third-party complaint alleged that employees used unnecessary force while making an arrest, which resulted in bruising.</p>	<p>Force was used while arresting the individual and an assistant for robbery. The employees denied using more force than was necessary and the incident was screened by a supervisor. Both individuals involved in the arrest were asked if they were injured or had any medical concerns and both stated they did not have any injuries. Videotape evidence supports the employees' version of the incident. The subject of the complaint declined to participate in the investigation. Finding—ADMINISTRATIVELY EXONERATED.</p>

**VIOLATIONS OF RULES/REGULATIONS**

It was alleged that the named officer, while in uniform and working off-duty at a Seattle Center event, received items from vendors at the conclusion of the event.	The evidence supports that vendors gave good and beverage items, some perishable and some non-perishable, to the officer who was working the event. The officer accepted these items for his personal use. Finding—SUSTAINED.
Complainant stated that officers searched her home without her permission, legal justification or a valid search warrant.	Officers did search the complainant's residence in an attempt to serve a felony arrest warrant on an individual believed to be residing in the house. There is contradictory evidence on whether or not the complainant provided consent for the search. The consent was not obtained in writing and training deficiencies were identified. Training on search and seizure issues has been incorporated into mandated training for the department in 2006. Training was deemed a more appropriate resolution than discipline. Finding—SUPERVISORY INTERVENTION.
Complaint alleged that employees failed to identify themselves when the information was requested and that they failed to take appropriate action in taking a report and documenting the incident.	The involved employees stated that the complainant had not asked for their identifying information and that the complainant had only asked that the police ask the other involved party to leave him alone. The preponderance of the evidence could not prove or disprove the allegations. Finding-DUTY TO IDENTIFY—NOT SUSTAINED. Finding-COMPLETION OF REPORTS—NOT SUSTAINED.
The complainant alleged that officers entered his residence to break up a party and refused to identify themselves.	Officers responded to a report of a loud party and contacted the person in charge to advise that the event was in violation of the residential noise ordinance. The party began to break up and all was considered resolved. The complainant subsequently filed a complaint with OPA via the internet stating that he did not want to be involved in the process but that he just wanted to add a complaint to SPD's record. He would not respond to both in-person and e-mail attempts to contact him. There is no record of a phone listing for the complainant. No independent witnesses were identified at the time of the incident and none of the involved/interviewed employees recall being asked for their identification or hearing others asked. Finding—UNFOUNDED.

## May 2006 Cases Selected for Mediation:

*No cases were mediated in May. Three cases were coordinated and were actually mediated in June. Those cases will be included in the July report on June data.*

### Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**“Supervisory Intervention”** means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

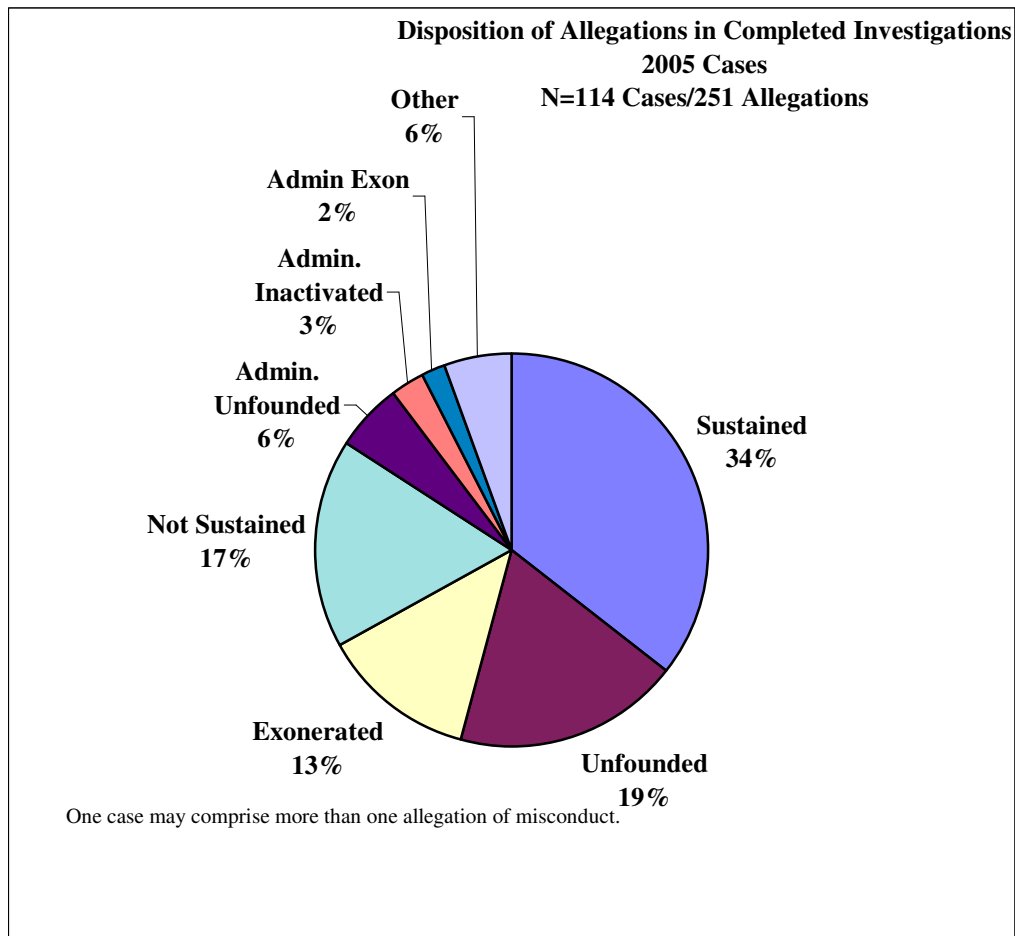
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	114*
Commendations	84	498

\*includes 2005 cases closed in 2006



## 2006 Contacts

	May 2006	Jan-Dec 2006
Preliminary Investigation Reports	66	141
Cases Assigned for Supervisory Review	16	40
Cases Assigned for Investigation (IS;LI)	25	79
Commendations	33	193